IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12024 of 1995

Between:

Kotni Venkata Ramana S/o Simhachalam
R/o Seethampeta Village & Mandal, Srikakulam District.

..... PETITIONER

AND

1 Secretary to Government, Social Welfare (F) Department,
Secretariat Buidlings, Hyderabad.
2 The Agent to the Government,
(Dist. Collector), Eluru, West Godavari District.
3 Deputy Collector (Tribal Welfare),
Elwinpeta.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records connected with G.O.Rt.No.23, Social Welfare (F) Department, dt: 19-1-95 from the Ist respondent and quash the same by the issuance of a Writ of Certiorari or any other writ, order or direction and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstance of the case.

Counsel for the Petitioner:Mr.A.RANGACHARYULU, Adviocate

Counsel for the Respondents.: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

This Writ Petition is filed, questioning G.O.Rt.No. 23, Social Welfare (F) Department, dated 19-1-1995 issued by the first respondent.

The petitioner is in possession of the government poramboke land to an extent of Ac. 0.01 cent in Sy.No. 29/1-P and Ac.0.03 cents in Sy.No. 46/1-P, situated in Seethampeta village and Mandal, Srikakulam district. It is the case of the petitioner that the said land is a village poramboke land and he has set up kirana baddi in the land in Sy.No. 29/1-P,and constructed a tiled house in the land to an extent of Ac.0.03 cents situated in Sy.No. 46/1-P. The respondents have initiated proceedings under the provisions of the A.P. (Scheduled Areas) Land Transfer Regulation 1 of 1959 on the ground that the petitioner is in possession of the land in question in contravention of the said Regulation 1 of 1959. The primary authority has passed order dated 12-6-1986 for eviction of the petitioner from the land in question. As against the said order, the petitioner has preferred appeal to the Agent to Government, who is the appellate authority, under Regulation 3(3) of the A.P. (Scheduled Areas) Land Transfer Regulation 1 of 1959 and the appellate authority partly allowed the appeal in respect of the land to an extent of Ac. 0.01 cent covered by Sy.No. 29/1-P of Seethampet village. Aggrieved by the same, the petitioner carried the matter in revision before the Government and the petitioner was issued notice on 4-3-1994. In response to the said notice, the petitioner has produced additional material papers. Though documents were not filed within the time stipulated, but along with the covering letter dated 6-4-1994, the petitioner has sent the documents by registered post acknowledgement due. Ultimately, the revisional authority has passed orders dated 19-1-1995 without considering the documents submitted by the petitioner.

Though the Writ Petition is of the year 1995, no counter affidavit is filed.

The learned Counsel for the petitioner has produced copy of the acknowledgment in proof of receipt of the documents sent by the petitioner on 7-4-1994. Though documents are not filed within the time stipulated as per the notice dated 4-3-1994 issued in Memo No.169/F2/87-5, but the impugned order came to be passed by the government several months thereafter. In that view of the matter, the first respondent-

revisional authority ought to have considered the documentary evidence, submitted by the petitioner on 7-4-1994. In that view of the matter, I deem it appropriate to set aside the order of the revisional authority, dated 19-1-1995. Accordingly the order dated 19-1-1995 in G.O.Rt.No. 23 is set aside and the matter is remitted back to the first respondent for reconsideration and to pass appropriate orders by considering the documentary evidence submitted by the petitioner with covering letter dated 6-4-1994, which was received by the respondents on 7-4-1994. However, the petitioner shall submit another set of documents before the first respondent within a period of four weeks from the date of receipt of this order.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

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January 20, 2005.

Msnr.

That Rule Nisi has been made absolute as above .Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the twentieth day of January, Two Thousand and Five.

To

1 Secretary to Government, Social Welfare (F) Department,
Secretariat Buidlings, Hyderabad.
2 The Agent to the Government,
(Dist. Collector), Eluru, West Godavari District.
3 Deputy Collector (Tribal Welfare),
Elwinpeta, W.G. District.

4. Two ccs to Govt. Pleader for Social Welfare, High Court of AP, Hyderabad (OUT)

5. Two CD copies.